G. R. S. IX-5]

Reserve

Previous references.

Chs 252-1912 (1-3)
" 307-12 (1&3) 1917.
SHA 635-12 (1-2) (Chs)

File No. 229-17

Serial Nos. 1 & 2

Later references.

Ch. 232-21 (1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for Feby 1920

SUBJECT.

Authorising the Judges of the Chief Court to take conveyance by rail at Govt cost both for the Outward and return Journey.

Ltr) To. The Registrar, Chief Court
" Commr & Govt
WG 3405-6 dy 2-10-19
18-10-19
Accords sanction to the Judges of the Chief Court for taking conveyance by rail at Govt Cost both for the Outward & return Journey and also the Supplementary T. A. bills of the Judges Chamberlain dye for June 1918

W D 1250—GPB—30,000—28-1-19

For disposal at a meeting

No. C. 893

16. 6. 1919

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Clause xiii of the Schedule.

Question of authorising the Judges of the Chief Court to take conveyances by rail at Government cost both for the outward and return journey.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C Balasundaram Jr

14th June 1919.

Chief *Secretary to Government.*

Extraordinary Member of Council. 20.6.19.

First Member of Council. seen.

7980-46 / 17.6.19 **Second Member of Council.** Opinion recorded 19.6.19

5228 / 15-6-19 Third Member of Council. 15/6.

GPB—1,000—3-2-14

G. R. S. III—1] 1917.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 229-17

FILE HEADING.

Authorising the Judges of the Chief Court to take conveyances by rail at Govt. cost both for the outward & return journey—

From

The Registrar of the Chief Court.

No. C no 1072 Dated 14.6.18 Received 15.6.18

Diary No. 7294	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests that the Judges of the Chief Court may be authorized to take conveyances by rail at Govt. cost as well for the return journey as for the outward journey.

NOTES AND ORDERS.

Subd. The whole question has been discussed in ch file 2529/1912 post up below.

In favour of opinion.

VN 1876 Vdt

1876

H.333717

Bn II)

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-16

G. R. S. III-2)

General and Revenue Secretariat. | Cbs. File No. 229 of 1917.

U.O 3337-17.

Serial No.

1 Attention is invited to para 6 of G.O No. G/17572-8/G.M676-17-1 dt: 22-6-18. The file is herewith returned to Br. III

27.6.18 Subd

K.N. 28/6

2 May this principle of this financial Branch be called for in the matter, & may the papers be transferred to that Branch for disposal? Orders for favour of instructions

Chief Secretary

3 The question has been fully discussed in File 252 of 1912 (Sls 163 Part B for May 1917) put up herewith.

4 The argument of the Chief Court about Dt Judges is not very pertinent, as the concession to Dt Judges applies only in regard to Sessions, whereas what the Chief Court says is in regard to 'inspections'.

5 It is not clear why a special rule was made in regard to Dt Judges; for the principle about inland journeys appears to be that an officer can charge his conveyances carried ⇔ back at half expense simply to make it convenient for him to use his own conveyance etc

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

CS File No. 229 of 1917-18

Serial No.

Headquarters in going to office. The file relating to this may be examined by the H Secty & that rule also changed so as to cover outward journeys alone.

A It is the differential treatment that seems to be felt as a hardship.

H Secty) CSS 21/2/18

Rec'd 23 Jan 1918

H (89-18

N. Vide H.C. Secy's opinion recorded on 7.1.18

H Secy) 18 24.7.18

226/24/7

I agree. A reply as in Ch. Secy's note above may be sent to the Chief Court saying that the point at A will receive consideration to remove the differential treatment if possible.

Chief Secy) with compliments. 16/8 18 17.8.

1st member

10) CSS 9/8/18

Vide remarks on routine note calling for file. At this stage I write only & state that the object of depriving chief Court-pleaders of the concession evidently be to discourage inspections

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

G. R. S. III-2]

General and Revenue Secretariat.

C/- File No. 229 of 1918

Serial No.

altogether, — does not a desirable thing from the higher administrative point of view. I speak from personal experience.

11) Subd. with the references (and Routine note links up, paras 7 & 8)

867 9/5 Nov 19 Chief secy

1689 24.5.19 11) 1st member

Submitted for orders

Dy 11/5

Cons 28/3/19

Dy 26/5.

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

Serial No. 1089

13.

The Civil Service Regulations in force in British India contain an Article (No.1000) under which "when the Local Government is satisfied that it is to the interests of the public service that an officer required to travel on public duty should send his motor-cars by railway, it may, by special order in each case, permit him to recover, in addition to his authorised travelling allowance, the actual cost of their carriage". Under Article 1001, this power may also be delegated to any head of a department or controlling or inspecting office

14. *In March 1913 the Chief Court made a reference to Government, requesting sanction to the actual cost incurred by Mr. Justic Wallace in sending his motor car by rail in the course of his tour of inspection. Simultaneously they requested - general sanction to Judges taking their conveyances by rail whenever they went out on inspection work. Though their request was strongly supported by the then First Member, Mr. H.V.Nanjundayya, the Government in an Order passed on 6th June 1913, only - sanctioned this so far as the <u>outward journey</u> was concerned. I find from the notes that Mr. Nanjundayya pointed out shortly afterwards the insufficiency of this order and the reasonableness of the request made on behalf of Mr. Justice Wallace. The Financial Secretary thought that the claim*

Fl 307-12.

Fl 25-2-12.

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

Serial No.

could not be passed under Article 1000 of the C.S.R., but as a matter of fact the Hon'ble the Resident, to whom a reference was made in the matter, was distinctly of the opinion that the claim could be sanctioned by the Durbar under that article. Meanwhile, however, Mr. Justice Wallace left the Chief Court, and the matter was allowed to drop so far as he was concerned.

15. The question has since come up again on a further reference made by the Chief Court in June 1918. This, it may be stated, was necessitated by the disallowance by the Comptroller of the claim of one of the Puisne Judges for motor conveyance charges for the return journey in connection with a tour of inspection undertaken in the Shimoga District.

16 The Government, in their reviews of the administration reports of the Judicial Department, have been in the habit of remarking on the inadequacy of the periodical inspections by the Judges of the Chief Court. There may not exist in my opinion quite the same necessity for these repeated comments, if the Government will kindly make the conditions of travel less onerous and unattractive for a class of high officers who cannot hire locally conveyances of a kind in keeping with their position, and who, since the nature of their

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

Serial No.

ordinary work does not require them to go out often on tours, cannot set off against losses on particular journeys "the profits" (Sic!) obtained "in other instances" in the manner contemplated by the Financial Secretary in one of his notes. It is too much to expect Judges readily and cheerfully undertake these tours of inspection when the only result in almost every instance is a certain loss. At any rate that has been my personal experience as a Judge.

17. I am emphatically of the opinion that if there is any case in which "the interests of the public service" require that the means of locomotion should be carried by railway at Government cost, it is that of the Judges of the Chief Court; and that it is well worth while for Government on grounds of administrative policy to stretch a small point in order to gain the greater one of a more systematic and regular inspection of the subordinate Courts in the State.

18. With these remarks, I would leave the matter in the Dewan's hands.

4-6-19

Dewan)

19) esx

May be considered in Council 4/6/19

4

10. 6.

D. M. 9/6

DEWAN'S OFFICE.
Recd. on MAY 5 1919
Reg. No. 7687

CS 11/6/19

NOTE—Comm. sheet.

C.S. Circulate. esx 18/6/19 P. 30.

WD A 1789—GPB—60,000—20-8-18—S.

General and Revenue Secretariat. | C5 File No. [illegible] of 191[illegible].

Serial No.

20)

Incidents Districts are not conducive to discipline or good work & Com. of opinion that the whole question requires to be carefully re-examined in the light of present experience & some rule framed, so that without entailing any avoidable expenditure by Govt. travelling by motor may be made less onerous & expensive to touring officers, particularly such where routes are provincial in their nature.

Peel
19.6.19

NOTE—Contn. sheet.

C. 893

Extract from the Proceedings of the 494th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 26th June 1919.

6. Subject.--Clause xiii of the Schedule.

Question of authorising the Judges of the Chief Court to take conveyances by rail at Government cost both for the outward and return journey.

Opinion of the Council.

Permission may be given to Judges of the Chief Court to take their conveyances by rail both ways.

Sd. A.R.Banerji,
Offg. Dewan of Mysore.

"EXTRACT'

Chief Secretary to Government.

WD 1148—GPB—1,000—23-12-18

G. R. S. III-2]

General and Revenue Secretariat.

C. 893

C5 File No. 229 of 1917.

Serial No.

Extract from the Proceedings of the Council is put up.

27) Forwarded, with compliments, to the Financial Secretary to Government, for concurrence or remarks if any.

By order,

C Balasundaram Jr

Chief Secretary to Govt.

FINANCIAL SECRETARIAT BANGALORE. 28 JUN 1919

Fe. 2984-18

93) There is one aspect of the proposal to permit the Judges of the Chief Court to take their motor cars by rail to which I beg to invite attention. I refer to the impression of invidious distinction which is likely to be created by the proposal and to which allusion has already been made in the minute dated 19-6-19 of the Second Member. If this concession is shewn to the Judges of the Chief Court it is difficult to see how the claims of other high officers of the State for a xxx similar consideration can be resisted.

24) I gather that the following considerations have influenced the proposal:---

Such permission is (1) allowable under article 1000 and 1001 C.S.R. and (2) necessary for a more systematic and regular inspection of the Subordinate Courts in the State.

The proposed permission is unconditional and I reproduce the following extracts from the Madras Supplement to the C.S.R. explanatory of article

16

NOTE.--Contn. sheet

Serial No.

1000 and 1001 to show that the concession under these articles is not allowed in British India without limitations:--

"The concession allowed in the articles is only intended to meet extraordinary cases of increased expenditure incurred by officers ordered to proceed on emergent duty and not to cover every journey."

"The concession should not be made to an officer who sends forward his horses in order to avoid the expense of hiring the means of conveyance on a journey for which he draws travelling allowance, for that is the very charge which the travelling allowance is in such a case meant to defray."

"The necessity contemplated in Article 1000 for the conveyance of horses x x by rail in the interests of the public service is the necessity of an officer at once proceeding into camps on joining his new appointment and the fact that an officer may, for instance, require his horses and carriage on arrival as a means of conveyance to his office, has never been recognized by the Government of India, as justifying t h e charges, to be borne at the public cost."

"The authorities sanctioning charges for railing Motors should submit to Government half-yearly statements in the first week of January and July of all such sanctions, with full information as to the circumstances under which the concession was granted and the distance for which the

NOTE—Contn. sheet.

Serial No.

motor car was conveyed."

"Save in exceptional circumstances claims under article 1000 will be inadmissible in the following cases:--

(1) Where the horses were taken by rail in order to save their owner from the necessity of hiring a conveyance to take him to office.

(2) Where an officer sends forward his horses by rail in order to avoid the expense of hiring a means of conveyance on a journey for which he draws travelling allowance.

(3) The concession should not be allowed to an officer who takes his Car on tour merely with the object of using it for station work in order to avoid the expense of hiring conveyances."

" Subject to the provisions enumerated bel sanction should be given when the horses, - - vehicles and camp equipment are required for th discharge of official duties at a place where no suitable means of conveyance can be hired and there has not been time to send the horses, vehicles or equipment by road from the last place at which they were used for public duty.

(1) The fundamental principle to be applied is whether public interests (including in this expression the economy of the officer's time) necessitate or make it desirable that the horses, vehicles or equipment should be sent by rail instead of by road.

(2) Public service and public duty do incl

NOTE—Contn. sheet.

WD A 1739—GPB—60,000—20-3-18—S.

Serial No.

include riding or driving to and from office at Head-quarters."

25) It will be seen from the above that the rules contained in articles 1000 and 1001 C.S.R are not applied in British India in the manner it is proposed to apply them in the case of the Judges of the Chief Court. Ordinarily an officer requiring his conveyance for the performance of his duties is expected to send it by road at his own expense and the concession provided for in articles 1000 and 1001 C.S.R. is only for cases of the kind contemplated in the extracts reproduced above.

26) As regards the argument that this convenience should be provided with a view to encourage more systematic and regular inspection I beg to state that it would apply to other Departments as well. There are many high touring Officers like the Revenue and Excise Commissioners and it is as desirable to encourage inspections by them as by the Judges of the Chief Court. In the interests therefore of inspection work, proposals for permission to rail Motor Cars at Government expense, are sure to be received and it will not be possible to refuse them, if the permission proposed ~~xx~~ in the case of the Judges of the Chief Court is accorded. The result of the extension of this concession in the case of all high officers who have inspection work to perform would be to increase appreciably the cost of travelling allowances.

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

G. R. S. III-2]

General and Revenue Secretariat. | CS File No. 229 of 1917.

Serial No.

27) It is therefore desirable to adopt, as observed by the Second Member, some arrangement which "without entailing any avoidable expenditure to Government may render travelling by motor less onerous and expensive to touring Officers particularly such whose duties are provincial in their nature." Motor cars railed at Government cost would be used either for performing road journeys or for purposes of inspection at places of halt. When Government bear the cost of making available for such purposes an Officer's car, it is, I think, reasonable to reduce to some extent his travelling allowances for such road marches and halts. I would propose that in all such cases the mileage rate may be reduced by 3 annas and the Daily allowance rate by one-third If some such arrangement is adopted it can be applied uniformly and the concession of permitting high officers to take their cars on tour may be more freely allowed.

11.7.19

Chief Secy)

(1st member)

15.7.19

P.T.O

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S

G. R. S. III-2]

General and Revenue Secretariat.

45 File No. 229 of 1917.

Serial No.

96) I am sorry I cannot agree to the suggestion made by the offg. Financial Secretary.

97) To begin with, it seems to me that to speak of creating "invidious distinctions", in connection with a concession which by its very nature is intended to be applied ~~after~~ with some discrimination and to special cases only, is to misconceive altogether the nature and scope of the concession. As observed by the Government of India in a passage which is omitted be quoted in the Financial Secretary's note, "the rule was intended to meet the more or less exceptional case of an officer requiring, for the discharge of his official duties, to make use of his horses or camp equipment in one place immediately or very shortly after having had to use them in the public service in another place, and who is therefore obliged in the interests of the public service to convey them by railway or steamer"; and the expression "interests of public service" has been construed as including the economy of an officer's time. Accordingly, it has been ruled that "there is no objection to the application of Art. 1000 to cases in which the Local Government thinks that the conveyance of camp equipment or horses by rail will serve the public interests by enabling an officer to do more

Madras Supplement to the C.S.Regns. p.188

Ibid pp.188 et seq

NOTE—Contn. sheet.

WD A 1799—GPB—60,000—20-3-[illegible]

Serial No.

work than he otherwise would in a given time", and that "the only question which should be considered in deciding such matters is whether the allowances admissible under the rules do or do not reasonably cover the expenditure necessary to meet such travelling as is required in the interests of the public service". Again, " the question whether the public interest is or is not served by the officer taking his horses by rail etc, is one of fact in each case, of which the Local Government is undoubtedly the proper Judge in other words, it is an administrative question to be decided with reference to the merits of each case, and not a mere matter of the rigid and unelastic interpretation of financial rules and circulars. For example, it has been ruled that an officer cannot reasonably be expected to send his motor by road for a distance of 100 miles, whether starting or returning from tour.

Sd, P. 191.

30) The provisions of the Article in question have been held applicable in Madras, on the principle of "occasional and exceptional journeys", which I submit is the correct principle, - not only to officers on the staff of His Excellency the Governor, but also to the Members of the Madras Executive Council, and, it would seem Members of the Board of Revenue.

191 and P.P. 192

p 281

NOTE—Contn. sheet.

Serial No.

30) Now the tours undertaken by Judges of the Chief Court of Mysore are undoubtedly "occasional and exceptional journeys". They can only find time for such journeys in the intervals of heavy and pressing judicial work, necessitating a considerable "economy of time", which (as pointed out above) is one criterion of a journey being "in the interests of the public service"; and it admits of no serious doubt that the carrying of their conveyances by rail at Government expense "will serve the public interests by enabling them to do more work than they otherwise would in a given time".

31) As a matter of fact this principle has already been recognized, though only partially, in the Government Order of 6th June 1913, which accords "general sanction to the Judges of the Chief Court taking their conveyances by rail for the outward journey at Government cost, whenever they wish to do so while proceeding on inspection work". It is against the restriction in regard to return journeys that the Chief Court has been asking for a reconsideration since the last six years. The additional expense that is likely to be entailed on Government by the removal of the restriction must be trifling; in the case that is now pending orders, it is less than Rs. 50

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

Serial No.

Rs. 50: and supposing that each of the three Judges makes one tour of inspection every year (which is all that can ordinarily be expected,), the additional cost to Government cannot exceed Rs. 200. This surely will be more than counter-balanced by the advantages of more regular and systematic inspections, - a matter to which His Highness' Government rightly attaches much importance.

33) It is unnecessary to make any detailed comment on the extracts from the Madras compilation of occasional rulings which the Financial Secretary has put together in his note. Several of them relate to contingencies which are not involved in a case like the present, such as that of an Officer joining his new appointment, or requiring his carriage for driving to and from Office at head quarters, or that of an officer seeking to avoid the expense of hiring a means of conveyance locally. (I may say, in parenthesis, that the only conveyance that can be hired in most mofusil stations in the State is a Jutka or a bullock cart, which is hardly the appropriate vehicle for a Chief Court Judge proceeding on inspection duty). At the same time there is nothing in the extracts as a whole, read in the light of the essential principles which they are

NOTE—Contn. sheet.

WD A 1799—GPB—60,000—20-3-18—S.

Serial No.

intended to illustrate, which necessarily conflicts with the view which I have been urging.

34) I will only repeat that, from the nature of the case, there is little in the fear suggested by the Financial Secretary that "many high touring officers like the Revenue and Excise Commissioners" may put forward similar claims for railing motor cars at Government expense. These are provincial executive Officers who have continuous and regular touring to do all through the year, and can usually arrange their programme of tours in such a way as to avoid long journeys by rail; they are in a position to maintain special transport arrangements for touring purposes; and in any case they fall within the late Financial Secretary Mr. Chakravarti's description of officers able to set off against losses on particular journeys "the profits" obtained "in other instances". I would ~~contrarily~~ strongly deprecate the idea of "allowing more freely" and "applying uniformly" to all high officers a concession intended for exceptional and occasional cases, even if this is to be done by a material reduction of the rates of mileage and daily allowance all round, thereby depriving the concession of all its value.

35) I would therefore respectfully suggest that

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 191

Serial No.

the opinion of Council arrived at at the meeting of 26th June 1919 be adhered to.

16.7.19.

30) Final Note signed. 17.7.19

D. S. N. Submitted.

Dewan)

DEWAN'S OFFICE.
Recd. on JUL 18 1919
Reg. No. 515

C&G
487/45
arms

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-15—S.

Final Note by the First Member of Council.

Subject:—

AUTHORISING THE JUDGES OF THE CHIEF COURT TO TAKE THEIR CONVEYANCES BY RAIL AT GOVERNMENT COST BOTH FOR THE OUTWARD AND THE RETURN JOURNEY.

---

39 In Government Order No. J. 3733-4/Cts.252-12-2 dated 6th June 1913, general sanction was accorded to the Judges of the Chief Court taking their conveyances by rail for the outward journey at Government cost, while proceeding on inspection work.

2. The Chief Court in a letter of 28th June 1913, pointed out the anomaly involved in permitting District and Sessions Judges to take their conveyances by rail at Government cost in both directions, under Article 539, exception 2, Mysore Service Regulations, while restricting the concession to the outward journey only in the case of Chief Court Judges. The question of reconsidering the order was thereupon ordered to be brought up for consideration in Council with an exhaustive note from the Financial Department. But nothing was done by the Financial Secretary beyond recording a brief note opposing the grant of general sanction, in the course of which he said: "Officers cannot complain that the allowances drawn for particular journeys are inadequate and must be supplemented by an additional amount, unless they undertake at the same time to refund the profits in other instances." The matter was allowed to drop, for the reason that Mr. Justice Wallace, in connection with whose tour of inspection the question was raised, had in the meantime left the service of the State.

H. Page 9 of notes in Cts file 252 of 1912 Bks 1 & 3

Y. 39 3. The question has again been raised by the Chief Court in the Registrar's letter of 14th June 1918. The late Financial

Secretary Mr. Chakravarti has adhered to his former opinion.

Paras 13 to 17 of note.

4. When the papers came round to me, I noted as follows:-

" The Civil Service Regulations in force in British India contain an Article (No.1000) under which "When the Local Government is satisfied that it is to the interests of the public service that an officer required to travel on public duty should send his motor cars by railway, it may, by special order in each case, permit him to recover, in addition to his authorised travelling allowance, the actual cost of their carriage". Under Article 1001, this power may also be delegated to any head of a department or controlling or inspecting Officer.

S

" In March 1913 the Chief Court made a reference to Government, requesting sanction to the actual cost incurred by Mr. Justice Wallace in sending his motor car by rail in the course of his tour of inspection. Simultaneously they requested general sanction to Judges taking their conveyances by rail whenever they went out on inspection work. Though their request was strongly supported by the then First Member, Mr. H.V.Nanjundayya, the Government in an Order passed on 6th June 1913, only sanctioned this so far as the outward journey was concerned. I find from the notes that Mr. Nanjundayya pointed out shortly afterwards the insufficiency of this order and the reasonableness of the request made on behalf of Mr. Justice Wallace. The Financial Secretary thought that the claim could not be passed under Article 1000 of the C.S.R; but as a matter of fact the Hon'ble the Resident, to whom a reference was made in the matter, was distinctly of the opinion that the claim could be sanctioned by the Durbar under that article. Meanwhile, however, Mr. Justice Wallace left the Chief Court, and the matter was allowed to drop so far as he was concerned".

V

P

"The Government, in their reviews of the administration

reports of the Judicial Department, have been in the habit of remarking on the inadequacy of the periodical inspections by the Judges of the Chief Court. There may not exist in my opinion quite the same necessity for these repeated comments, if the Government will kindly make the conditions of travel less onerous and unattractive for a class of high officers who cannot hire locally conveyances of a kind in keeping with their position, and who, since the nature of their ordinary work does not require them to go out often on tours, cannot set off against losses on particular journeys "the profits" (Sic!) obtained "in other instances" in the manner contemplated by the Financial Secretary in one of his notes. It is too much to expect Judges readily and cheerfully to undertake these tours of inspection when the only result in almost every instance is a certain loss.

"I am emphatically of the opinion that if there is any case in which "the interests of the public service" require that the means of locomotion should be carried by railway at Government cost, it is that of the Judges of the Chief Court; and that it is well worth while for Government on grounds of administrative policy to stretch a small point in order to gain the greater one of a more systematic and regular inspection of the subordinate Courts in the State".

W 41 5. The matter was thereupon considered in Council on the 26th June 1919. The Members are of opinion " that permission may be given to Judges of the Chief Court to take their conveyances by rail both ways".

42 6. The offg. Financial Secretary to whom the papers were sent under standing orders considers that an impression of invidious distinction would be created by sanctioning the proposal, that the rules contained in Articles 1000 and 1001 C.S.R. are not applied in British India in the manner in which it is proposed to apply them in the case of

the Chief Court Judges, and that, if the mileage rate be reduced by 3 annas and the Daily Allowance rate by one-third, the concession asked for on behalf of Chief Court Judges may be applied uniformly in respect of all high Officers. (Vide his note dated 11th July 1919).

7. I have dealt with the Financial Secretary's views and criticisms at some length in my note of 16th July 1919 in the file. If the reasons stated therein commend themselves generally, the opinion of the Council may be graciously sanctioned.

MEMBER OF COUNCIL.

Bangalore.
17th July 1919.

Submitted to His Highness.

867

I submit herewith a Final Note by the First Member of Council on the subject of the authorising the Judges of the Chief Court to take their conveyances by rail at Government cost both for the outward and the return journey, for His Highness' gracious approval.

Dewan.

22nd July 1919

28.

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Authorising the Judges of the Chief Court to take their conveyances by rail at Government cost both for the outward and the return journey.

No 134
22-7-19

162

44

Order.

~~KRW~~
23/7/19

Ch. Leg
Secy
24-7-19

G. R. S. III-2]

C. 893

General and Revenue Secretariat.

C/S File No. of 191 .

Serial No.

457

Circulated to the Members of Council for perusal of (*) His Highness' orders ~~before~~ after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure).

C S Balamuddan

Chief Secretary to Govt.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Through the Secretary to Government,

....Department.

809.375
30.7.19

FIRST MEMBER OF COUNCIL Gerard Lee 31.7.19

406
25.7.19

SECOND MEMBER OF COUNCIL 26/7

495
28.7.19

~~TEMPORARY~~ Thro MEMBER OF COUNCIL. 28/7

46 to Asst Secy Prohi Branch for a

Note.—Contn. sheet

Summarise

WD 1573—GPB—500—4-3-19

47 Secy to Govt

G. R. S. III-2.

General and Revenue Secretariat.

C5 File No. 229 of 1917.

Serial No.

48 Draft. Submd. Orders are solicited re. The bill of Hon. Justice Chamarasetara Iyer for bringing back his motor from Shimoga on his return from inspection work. The present G.O will not perhaps have a retrospective effect, unless it is specifically stated.

Sec 2/8/19. 49 If it is intended to apply the new rule in the case of the Bill in question, a paragraph may be added in the draft to that effect. Addition in pencil is made, for consideration.

Asst 3/8 50. Draft G.O. submd.

D. W. 5/8

Chief Secy

H. H. ~~Highness~~ 51 Issue

Sec 6/8 Asst 6-8-19

D. W. 7/8

Sec

Reference is invited to F/D opinion noted in pages 10 to 14.

H. H. has approved the Council decision. Draft G.O. for communicating the order submitted

Asst 14.8.19.

Secy 16/8/19

Chief Secy

H. H.

1400-19

4438/16/8

NOTE—Contn. sheet

Serial No.

53 There is no reference in either the G.F.N. or the G.S.N. to give retrospective effect to the order now passed. There is, therefore, no authority for para 3 of the order issued.

54 If it is intended to give retrospective effect to the order, the Administrative Department has to be requested to obtain competent authority for doing so. According to para 3 of the order issued, only one old claim is proposed to be admitted. It is not clear if other old claims are or are not to be passed. If retrospective effect has to be given, it has, also, to be decided from what previous date the new order should be applied.

55 The principle in regard to the rules according to which claims to allowances of officers should be settled is enunciated in Art. 2, M.S.R. According to this principle an officer's claim to allowances -- including travelling allowances -- is regulated by the rules in force at the time in respect of which the allowances are earned. Retrospective -- effect is ordinarily not given to rules governing allowances of officers and it is against general -- financial rules to pass claims ~~which are~~ inadmissible according to the rule in force at the time when they accrued.

Sd/-
20.8.19.

Chitty Secy)

The whole consideration of the question has arisen

18
21/8
D. M.
21/8

NOTE—Contn. sheet.

General and Revenue Secretariat.

C5 File No. 229 of 1917.

Serial No.

on the claim referred to in para 3 of the letter of the Chief Court in June 18
a decision of the Question of B. St should be
held to cover that case.

2) If other claims are put forward
they will require separate orders, but they
shd be sanctioned if not anterior to June 18.

CSJ
25/8/19

2nd member)

58) Dewan.

Chief
26/5/19 59) Submitted

Chief Secy

Dewan

CSJ
29/3/19

60) May the informally convened
in council when Hon H. Ley is present

well

CS
2/9/19

61) Note the supple-
-mental list

CSJ
3/9

DEWAN'S OFFICE.
Recd. on SEP 1 1919
Reg. No. 1466

NOTE—Contn. sheet.

C.893

Extract from the Proceedings of the 503rd *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 4th September 1919.

13. Subject. - Clause xiii of the Schedule.

Giving retrospective effect to the order authorising the Judges of the Chief Court to take their conveyances by rail at Government cost both for the outward and return journey.

OPINION OF THE COUNCIL.

(2) The order in question may apply to the journey made by Mr. Justice Chandrasekhara Iyer in June 1918.

(Signed) M. KANTARAJ URS,
Dewan of Mysore.

"EXTRACT'

C S Balasundaram Ayyar

Chief Secretary to Government.

WD 1148—GPB—1,000—23-12-18

G. R. S. 12]

IV D 473—GPB—1,000—12-9-18

General and Revenue Secretariat.

Courts File No. 229 of 1917-18

*9. (a) If the views expressed by the Financial Secretary in any case, whether original or un-officially referred, are not accepted by the Member of Government in charge, or by the Dewan and Members of Council, as the case may be, the file containing the discussions shall be sent to the Financial Secretary a second time, in order to enable him, in cases in which he considers that the orders proposed to be issued are opposed to financial rules of Government or to recognised financial principles or for other reasons of a financial nature, are open to objection, to record a respectful representation to that effect, which will be placed by the Dewan before His Highness the Maharaja for consideration.

(b) All cases sent to the Financial Secretary under this rule should be treated as immediate and returned to the Department concerned within three days of receipt.

Extract from the Proceedings of the Council is put up.

63) Forwarded, with compliments, to the Financial Secretary to Government, under paragraph 9 * of the Government Order No. G. 17572-8—G. M. 676-17-1, dated 22nd June 1918.

By Order,

C S Balasundaram Ayyar
Chief Secretary to Government. 5/9.

Dmk 5/9/19

Chief Secy)

5/9

64) To the Assistant Secretary, Branch III (Section) for kindly submitting the file to the Second Member of Council with a draft Final Note.

CSB
5/9/19

D. M. 6/9

65) Submd. with a Dr. F. N. & a Dr. S. R.

CSB
8/9/19

Submd with Dr. F.N.

D. M.
8/9

II Member

63) Dmk. appd

1246
10-9-19

1:7 Final Note Signed by the Member in Charge

R. S. III-2]

General and Revenue Secretariat.

C/o File No. 227 } of 1917.

Serial No.

D. S. N. Subd.

Dewany

CSX 15719

D.m 1579

DEWANS OFFICE.
Recd. on SEP 16 1918
Reg. No. 1893.

NOTE—Contn. sheet.

Final Note by the Second Member of Council.

Subject:—

Giving retrospective effect to the order authorising the Judges of the Chief Court to take their conveyances by rail at Government cost both for the outward and the return journey.

Page 26 of Notes

His Highness' gracious sanction was accorded on 23rd July, 1919, for authorising the Judges of the Chief Court to take their conveyances by rail at Government cost for the outward and the return journey.

T

M

2. In the Government Order giving effect to the above, sanction was also extended to the supplemental travelling allowance bill of Mr. Justice Chandrasekhara Iyer for bringing back his motor car after inspection work in June, 1918, as the consideration of the whole question had arisen in connection with that claim. When a copy of the order was sent to the Financial Secretariat for communication to the Comptroller the Financial Secretary raised the objection that, in the absence of specific sanction, retrospective effect should not have been given to the order.

Page 29 of Notes

3. The matter was considered at a meeting of the Council who are of opinion that the order in question may be made applicable to the journey made by Mr. Justice Chandrasekhara Iyer in June, 1918. The concession is not likely to serve as a precedent as there is no other claim of the Judges of the Chief Court pending disposal.

Page 31 of -do-

4. The opinion of the Council may be graciously approved.

15th September, 1919.

Member of Council.

Submitted to His Highness.

I submit herewith a Final Note by the Second

Member of Council on the subject of giving retrospective effect to the order authorising the Judges of the Chief Court to take their conveyances by rail at Government cost both for outward and return journey,
for His Highness' gracious approval.

17th Apl. 1919

Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to give retrospective effect to the order authorising the Judges of the Chief Court to take their conveyances by rail at Government cost.

412.

Order.

~~KRW~~
20/9/19

Ch. Leg
Leg
21.9.19

C. R. S. III–2]

C. 893

General and Revenue Secretariat.

C/S File No. of 191 .

Serial No.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of (*)

His Highness' orders ~~before~~ after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure).

C S Balasundaram 19/9
Chief Secretary to Govt.

Through the Secretary to Government,

....Department.

2288-278
26.9.19.

FIRST MEMBER OF COUNCIL SEBN
Recd
26.9.19

1500
25-9-19

SECOND MEMBER OF COUNCIL
25/9/19

933
22.9.19.

Third.
~~TEMPORARY~~ MEMBER OF COUNCIL.

please put up draft order.

29/9

NOTE.—Contn. sheet

WD 1573—GPB—500—4-3-19

G. R. S. III-2]

General and Revenue Secretariat.

C5 File No. 229 of 1919.

Serial No.

The Draft G.O already put up, approved & numbered has not yet been issued, as the file last directed to communicate the order to the Comptr. The signed fair copies are placed below. If approved they will be issued.

22/9

The Draft G.O. will be issued if appd.

D. M. 2/10

Chief Secy

Issue

CS 4/10. D. M. 4/10

2 To

The Registrar, C. C. & the Comptroller

No. G. 3405-6 dt 9th August 1919.

18.10.19

Accord sanction to the Judges of the Chief Court for taking Conveyances by rail @ Govt. Cost both for the outward & the return journey & also the Supplemental T. A. bill of Mr. Justice Chandrasekhara Aiyar for June 1918.

~~With reference to the marginal note, it has been ordered that the disputed second head of the order of sanction be~~ communicated to the Comptroller through the Financial Secretariat in G.O. dt 9-8-19 and that ~~submitted~~ is reported the cancelled.

22/10/19.

C5

Please ensure [illegible] the order [illegible] Comptr. [illegible] Chief [illegible] been sent

Ack 7/10

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat.

Ch File No. 229 of 1917.

Serial No.

It is ascertained from the Financial Secretariat that the order in question with T.a. bill was not sent to them after 4-10-19. To ascertain whether the order (after 4-10-19) was sent to the Comptroller direct at least, this may be sent to the Dispatching Section

Submitted

17/11/19 To the Despatcher for a note

17/11

Submitted.

The G.O. no. G 3405-6 together with the Comptroller's objection slip & the bill in question was sent to the Comptroller on 18-10-19 and acknowledged on the same date.

PCS/18.11.19.

Subd. The copy to the Comptroller should have been sent through the Fin[t] Sectt. Dfapped two more copies of the G.O will be got typed now for being communicated thro' that Sectt. Otherwise it is not likely that the Comptroller would accept the order & pass the bill. Further Hd'ders in the case have not been perused by the Fin[t] Secy

ASR 18/11

Yes. Please do so

P.M. 19/11

In K.R. copy of the order typed

ASR 19/11

NOTE—Contn. sheet.

G.P.B—60,000—7-11-13

G. R. S. III-2]

General and Revenue Secretariat.

CS File No. 229 of 1917

Serial No.

X1300-14

H H has approved the proposal.
F/D has concurred - Page 32.
Draft letter communicating the
above submitted

1/12

2/12

Communicated 3/12

(h: Lucknow)

12 FEB 1920

NOTE—Contn. sheet.

C. no: 1072

GEN. & REV. SEC.
III
15 JUN 1918
05239

Chief Court of Mysore,

Bangalore, Dated the 4th June 1918.

No. J.2945

FILE No. 229-17
Bangalore.

From

N.T. GOPALIENGAR, ESQUIRE, B.A., LL.B.,
Registrar of the Chief Court of Mysore,
Bangalore.

GEN. & REV. SECRETARIAT
III
JUDICIAL
15 JUN 1918

To

C.S. BALASUNDARAM IYER, ESQUIRE, B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

Sir,

I am directed to invite a reference to my predecessor's letter No. 4395/344 dated 28th June 1913, requesting that Judges of the Chief Court may be authorized to take conveyances by rail at Government cost as well for the return journey as for the outward journey.

The concession asked for is one that already applies to District and Sessions Judges under Exception 2 to Article 539 of the Mysore Service Regulations, and there seems no particular reason for withholding it from Judges of the Chief Court.

I am to request that early orders may be obtained in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

N. Gopaliengar

REGISTRAR.

D.L.

G.R.S. VI-7-1

SUBJECT Permits the Judges of the High Court to take their conveyances by rail for [illegible]

Diary No. of letter replied to

Section
File No. 229-17
Serial No.

General and Revenue Secretariat

( )

Proceedings of the Government of His Highness the Maharaja of Mysore.

, *the* 191

Read—

Date of issue

Signed by

May this be

i Printed ? — yes

treated as a standing order ? — yes

published in the Gazette, English Part ?

translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

re the matter of authorising the Judges of the Chief Court to take conveyance by rail at Govt. cost as well for the return journey as for the outward journey.

Order no.

In modification of the order of 6.6.13 read above Govt. are pleased to accord general sanction to the Judges of the Chief Court taking their conveyances by rail at Government cost for the outward and return journey while proceeding on inspection tours subject to the provisions and limitations contained in Art 539 CSR

2) The necessary correction slip to the M.S.R will be issued.

2.

C&B 6/8

Chief Secy

D.M. 5/8

2c

The Regr. Chief Court (under a covering letter)
Comptroller to Govt. (Through the Secy.)

List of enclosures.

3. The supplementary bill of the Hon'ble Justice Chandrasekhara Aiyar for June 1913 is also returned under the above order and to be submitted to the Comptroller for audit.

(To be retained)
4/8

Copied by

Examined by

WD 1744—GPB —30,000—17-3 15